

REMARKS

This amendment is offered in response to the Office Action of December 2, 2002.

At the outset, Applicant and Applicant's counsel thank the Examiner for the courtesy shown in the interview of January 7, 2003.

In response to the rejection of Claim 8 under 35 U.S.C. §112, second paragraph, the Examiner is respectfully referred to Figures 9 and 10. It is respectfully submitted that Figures 9 and 10 support Claim 8, which is amended herein to be consistent with newly-amended Claim 1. If the Examiner wishes Claim 8 to be clarified further, the Examiner is respectfully invited to telephone Applicant's counsel.

The Office Action rejected Claim 12 under 35 U.S.C. §102(b) as anticipated by the Sanborn reference (U.S. Patent No. 4,437,293). Similarly, the Office Action rejected Claims 1-20 under 35 U.S.C. §103 as obvious over the Sanborn reference in view of the Malin reference (U.S. Patent No. 6,138,436).

However, the specific combinations recited in the claims are not shown or suggested in the prior art. Neither the Sanborn reference nor the Malin reference disclose slider operated zippers as recited in Claim 1, or zippers sealed to the film by their flanges as recited in Claim 1 as amended herein, which is required for the disclosed slider operated zippers. Therefore, the entire technology of attaching the zippers to the film is different. Furthermore, with respect to the dependent claims (3, 4, 11, 18 and 19), while peel seal and lines of weakness are known, it is the placement relative to the zippers in the claimed method and apparatus is not disclosed or suggested in the prior art.

Additionally, Claim 20 has been amended to recite that the flanges of the first zipper are oriented in a direction opposite to the direction in which the flanges of the second zipper are oriented.

Moreover, additional prior art cited by the Examiner has been reviewed but is not considered any more pertinent than the references applied against the claims by the Examiner and distinguished herein.

For all of the reasons above, it is respectfully submitted that the presently pending claims are in immediate condition for allowance. The Examiner is respectfully requested to withdraw his rejections of the claims, to enter the present amendment, to allow the claims, and to pass this application to early issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald Levy", with a horizontal line drawn through the signature.

Gerald Levy
Registration No. 24,419

Ronald E. Brown
Registration No. 32,200

Pitney, Hardin, Kipp & Szuch, L.L.P.
685 Third Avenue
New York, New York 10017
212-297-5800